

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

USA	§	
	§	Judge: DAVID BRIONES
vs.	§	Room #722
	§	Seventh Floor
(1) RIGOBERTO PEREZ-JACOME	§	NO: EP:24-CR-00087(1)-DB
	§	

TAKE NOTICE that the above-entitled case has been set in the United States District Court in El Paso, Texas as follows:

ARRAIGNMENT: **Thursday, January 25, 2024 at 10:00 a.m.** before U.S. Magistrate Judge Miguel A. Torres, Albert Armendariz Sr., U.S. Courthouse, Room #712, 7th Floor

DOCKET CALL: **Friday, February 2, 2024 at 10:30 a.m.** before Senior U.S. District Judge David Briones, Albert Armendariz Sr., U.S. Courthouse, Room #722, 7th Floor

JURY SELECTION: (See Note Regarding the Waiver of Personal Appearance, below.)

TRIAL:

OTHER:

ALL ADDRESSEES on this notice (except those for information only) must appear in person unless excused from appearing by the Court. Defendants entering a plea of "Not Guilty" who wish to waive personal appearance at arraignment and their attorneys are excused from appearing if the enclosed waiver is executed and signed by both the defendant and the attorney of record, AND FILED BY 4:30 P.M. ON THE DAY PRECEDING THE SCHEDULED DAY OF ARRAIGNMENT. Take note that if the arraignment is before a United States Magistrate Judge, only a plea of "Not Guilty" may be accepted.

WHENEVER DEFENDANTS OR WITNESSES IN CRIMINAL CASES HAVE NEED FOR THE SERVICES OF THE OFFICIAL COURT INTERPRETER, THE ATTORNEY CONCERNED MUST INFORM THE DISTRICT CLERK NOT LATER THAN FIVE (5) DAYS BEFORE THE COURT APPEARANCE.

NOTE TO ATTORNEY FOR DEFENDANT: The official records in this case show the current address of the defendant to be as addressed below. Since you communicate frequently with the defendant and thereby know changes to his/her address, it is requested that you promptly communicate the changes of address of your defendant-client to this office.

PHILIP J. DEVLIN, Clerk

DATE: January 12, 2024



By: Aida Radke, Deputy Clerk

TO: COURT; COUNSEL FOR THE DEFENDANT; DEFENDANT; U.S. ATTORNEY; U.S. MARSHAL; U.S. PROBATION; U.S. PRETRIAL; U.S. MAGISTRATE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

UNITED STATES OF AMERICA

vs.

(1) RIGOBERTO PEREZ-JACOME

§
§
§
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§

NO: EP:24-CR-00087(1)-DB

WAIVER OF PERSONAL APPEARANCE AT ARRAIGNMENT
AND
ENTRY OF PLEA OF NOT GUILTY

COMES NOW Defendant in the above referenced case who, along with his undersigned attorney, hereby acknowledges the following:

- 1) Defendant has received a copy of the indictment or information in this case. Defendant understands the nature and substance of the charges contained therein, the maximum penalties applicable thereto, and his Constitutional Rights, after being advised of all the above by his attorney.
- 2) Defendant understands he has the right to appear personally with his attorney before a Judge for arraignment in open Court on this accusation. Defendant further understands that, absent the present waiver, he will be so arraigned in open Court.

Defendant, having conferred with his attorney in this regard, hereby waives personal appearance with his attorney at the arraignment of this case and the reading of the indictment or information, and, by this instrument, tenders his plea of “not guilty”. The defendant understands that the entry by the Court of said plea for defendant will conclude the arraignment in this case for all purposes.

Date: _____

Defendant

Attorney for Defendant

ORDER

APPROVED by the Court. A plea of “Not Guilty” is entered for defendant effective **this date**.

Date: _____

United States Magistrate Judge

WAIVER OF MINIMUM TIME TO TRIAL

- 3) Defendant understands that he has a right to minimum period of time to trial so that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se. Defendant further understands that, absent the present waiver, he will not be brought to trial during this thirty (30) days period.

Defendant, having conferred with his attorney in this regard, hereby **WAIVES** the requirement that trial shall not commence less than thirty (30) days from the date on which the defendant first appears through counsel or expressly waives counsel and elects to proceed pro se.

Date: _____

Defendant

Attorney for Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

USA	§	Judge: DAVID BRIONES
	§	Courtroom No. 722
vs.	§	Seventh Floor
	§	
(1) RIGOBERTO PEREZ-JACOME	§	NO: EP:24-CR-00087(1)-DB
_____	§	

**DEFENDANT'S NOTICE FOR ADMINISTRATIVE SETTING
IN LIEU OF APPEARANCE AT DOCKET CALL**

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Comes now undersigned counsel for the Defendant, **(1) RIGOBERTO PEREZ-JACOME**, on this day and respectfully enters this appearance administratively and in lieu of appearing at the Docket Call scheduled for **February 2, 2024** and shows the Court as follows:

- ____ 1. Counsel, **never having previously requested nor obtained a Continuance**, moves for Continuance of the Docket Call because of the need for investigation, plea negotiations, and/or preparation of the defense due to complex discovery issues in this case. Counsel further agrees that the interest of justice outweighs the interest of the Defendant and the public in a speedy trial, and agrees that the time from the scheduled docket call through the next docket call is excludable time within the meaning of the Speedy Trial Act, 18 U.S.C. §§ 3161 *et seq.*; or

- ____ 2. The Defendant moves to have the above styled and number cause set for a Plea Hearing. **(The Plea Hearing date may NOT be scheduled after the Court's next regularly scheduled Docket Call date).**
The Defendant requests the plea be set in _____ 2 Weeks, _____ 3 Weeks, _____ 4 Weeks; or

- ____ 3. The Defendant moves to have the above styled and numbered cause set for Plea and Sentencing Hearing before this Court to be set at the Court's convenience. The Defendant understands he/she can only be sentenced at the time of the plea if the Defendant obtains the approval from the United States Probation Office. The Defendant accepts the responsibility to resolve that approval and any sentencing issue with the United States Probation Office.
The Defendant requests the plea and sentencing be set in _____ 2 Weeks, _____ 3 Weeks, _____ 4 Weeks.

This Notice is filed no later than four (4) business days prior to the scheduled Docket Call and bears the appropriate stamp marking it as "Filed" by the Office of the District Clerk. Counsel further understands that attendance at the Docket Call is REQUIRED unless an Order setting this case for a subsequent hearing is entered by the Court and received by Counsel.

Respectfully submitted,

_____(signature)

_____(typed or printed name)
Defense Counsel for

_____(typed or printed name)
Defendant

Certificate of Service

I certify that a true and correct copy of the above Notice was served upon opposing counsel, UNITED STATES ATTORNEY'S OFFICE, by facsimile, 915-534-6024, in accordance with the Federal Rules of Criminal Procedure on the _____ day of _____, 20_____.

Defense Attorney

COURT'S INSTRUCTIONS REGARDING DOCKET CALL
HON. DAVID BRIONES

1. Defense counsel will be allowed to file the corresponding Notice for Administrative Setting in Lieu of Appearance at Docket Call (hereinafter "Notice") if the circumstances of the particular case meet the requirements of the Notice. **ABSOLUTELY NO ALTERATIONS MAY BE MADE TO THE FORM NOTICE**. If the particular circumstances of the case do not meet the requirements of the Notice, or if you have a doubt thereof, you **should attend** the Docket Call and discuss the matter with the Court on the record.
2. Very simply, those attorneys who have neither sought nor obtained a "Pass" on a prior occasion and who wish to request one may do so by completing and filing the Notice and marking an "X" in the first space. **Attorneys who have obtained a continuance previously (having requested and obtained a "Pass") MUST attend Docket Call if a second pass is going to be requested (regardless of the reason).**
3. Those attorneys who wish to request that the Court set a case for a "Plea Hearing" (whether a "Pass" has previously been requested or not) may also complete and file the Notice and mark an "X" in the second space. **Attorneys may not request that the Plea Hearing be scheduled after the next month's Docket Call.** For example, if you are scheduled to attend a Docket Call on October 3, and you are aware that your client wishes to have a Plea Hearing set, you may complete the Notice, mark an "X" in the space by Paragraph 2, and the case will be set for a Plea Hearing. Information about the Docket Call dates may be obtained from the Courtroom Deputy at 534-6725. If a plea setting is requested and received by counsel, then the attorney need not attend the docket call.
4. If you wish to request a trial setting (jury or non-jury), you **MUST ATTEND** Docket Call and may not substitute the attached Notice.
5. You may attend Docket Call *even if you are eligible* to file the Notice. In other words, you are never precluded from attending the Docket Call.
6. The corresponding Notice **MUST** be filed no later than **four (4) business days** (exclusive of federal holidays) **prior to the scheduled Docket Call.**
7. Any Notice filed pursuant to these instructions requires only the signature of the defense attorney, but service of the Notice upon the UNITED STATES ATTORNEY is required.
8. File a single Notice for each case. **DO NOT** file a Notice with more than one cause number. If you are scheduled to appear at Docket Call on several cases and are eligible to file a Notice in each case, you **MUST** file one Notice per case.
9. Questions about this process may be directed by attorneys to the Courtroom Deputy at 534-6725.